

1895-035
Lee Co.

Chancery Causes: Martha Hutton by &c vs. William J. Hutton &c

Speak, Carmony, Chance, Rigby, Woodward

CA-Divorce
T-Property
Migration

- Correspondence
- Deed

To the honorable W. S. K. Morison Judge of the
Circuit Court of Lee County Virginia.

Humbly complaining your oratrix, Martha Hutton, the
wife of Wm J Hutton, who sues by Job Rigoby, her next
friend, complaining, sheweth unto the Court,

She was married to the said Wm J Hutton on the
4th day of July 1892, and is now 5-7 years old,
that she and her said husband lived together until
February 14th 1893, at which time he abandoned
her, without cause, and went west, and is now
in the State of Kansas, and during the time they
lived together she was to her said husband a
faithful and devoted wife, Before, or at the time

of money, a temporary alimony, as may be sufficient for the support of your oratrix, and such other sums of money as may be required to pay the costs of this suit and the fees of counsel proper to be paid to carry on this suit; that at least the said sums due from said Speak & Barnum be decreed to your oratrix, and that the said Wm J. Hutton be enjoined and inhibited from collecting and the said Speak & Barnum from paying the same until the further order of the court, and to this end that the said Speak & Barnum be ^{also} made parties defendants to this bill and answer the same, on oath; and that all such other further and general relief

may be afforded to your oratrix as may be just
and right in the premises. And your oratrix will
ever pray &c.

James W. Orr. P.D.

Virginia. Lee County, to wit.

I Wm I Speak a notary public in and for the
County and State aforesaid do certify that Martha
Button this day personally appeared before me
and made oath that the facts stated in the foregoing
be true so far as they depend upon her own
knowledge, and so far as stated upon information
from others, she believes them to be true.

5.09

93

288

88.90

Petitioners Costs

C	2.23
J P	1.50
wits	50
atty	15.00
	<u>\$19.23</u>

Martha J. Lutz
vs Bill in
Jm J. Lutz

1894. 1st April Rules.
filed & paid
depts & D.

" Apr 10th, Order
resident, Jm J. Lutz

" 1st May Rules, D. W. C.
home depts

" 2nd May Rules, O. P. Campbell
non resident & set for hearing
by Plff.

3.23
2.30
2.30

10
2.5
5.4

1 To the honorable W. T. Miller Judge of the Circuit
2 Court of Lee County Virginia.

3 Humbly Complaining, and pursuant to your honor's
4 order made at the last June term of your honor's
5 Court in the Chancery Cause of your oratrix against
6 Wm J Hutton & others, your oratrix Martha Hutton
7 wife of said Wm J Hutton, who sues by Job Rigely her
8 next friend, would respectfully represent & shew unto
9 your honor, as in her said original bill she hath
10 complained, and in addition thereto she alleges that
11 the pretended deed from said Wm J Hutton to the
12 defendant John Carmany, was attempted to be made
13 by said Hutton, who procured your oratrix to join
14 therein, for the purpose of his obtaining the proceeds
15 therefor, with the intention of his carrying the same
16 with him to the west and depriving your oratrix
17 from ^{deriving} any benefit therefrom or interest therein,
18 and the said Carmany became a party to said fraud-
19 ulent transaction, with a full knowledge of said
20 Hutton's purpose and intention in the matter as is
21 fully disclosed in said Carmany's answer to
22 said original ^{bill}, & the deed exhibited thereinwith,
23 Your oratrix prays therefore is that said pretended
24 deed, (the same being in fact not a deed not being
25 under seal) be declared null and void and held for
26 naught, and that the land described therein be set
27 apart and decreed to your oratrix for part of her
28 alimony in this cause, or that the same be sold
29 by a Commissioner appointed for the purpose, and
30 the proceeds so set apart & decreed to your oratrix;
31 That the said John Carmany be made the party defend-
32 ant to this ^{amended} bill and answer the same, but not on

oath, that being unained, that process issue, directed &c.
and that your honor grant all further and general
relief, and as in duty bound she will ever pray &c.

James W. Orr. 22

March 4 Austin
1853 Amended Bill

Mr. J. J. Johnson et als

1894. 2nd Sept Rules, ^{Wm}
emailed Will please & open card
& D. J.
" 10th, Oct Rules, D. F. Gaud.
+ set for hanging by P.P.

To the Honorable W. T. Miller Judge of the
Circuit Court of Lee County.

The demurrer and answer & cross bill of Wm. J.
Hutton, defendant to a bill of complaint exhibited
against him in your honor's court by Martha
Hutton for etc. For demurrer your respondent
says that Complainant's bill is not sufficient in
law and of this he trusts judgment of the court,
But should any other or further answer be necessary
saying unto himself all benefit and advantage of exception
which can or may be had as taken to the many errors
uncertainties and other imperfections in the said Complainant's
bill of complaint contained, for answer thereto, or unto
so much and such parts thereof as this defendant
is advised is material for him to answer, answering
saith that he supposes it is true that he was married
to the complainant in July 1892, or at least went
through a pretended ceremony, but your respondent
is advised that said marriage ~~was~~ null and void,
because said Complainant had another husband
living at the time from whom she had never been
divorced. Your respondent says that at the time of
said pretended marriage he knew nothing of Complainant
having another living husband from whom she had
never been divorced, but after they had lived
together some few months Complainant told
your respondent that her former husband was
still alive, and that she was not divorced from him.

after which Jane respondent knowing that they were not legally married he being very old and not able to take care of himself, sold his property and moved west to live with his daughter who married H. M. Chance, Jane respondent denies that he should be required to support and maintain said complainant, but if any one is legally bound to support and maintain ^{her} it is her first husband Wm Williams who is still alive and from whom she has never been divorced.

Jane respondent denies emphatically each and every allegation in said complainant's bill not heretofore admitted as true and calls for strict proof of the same. Jane respondent denies that an injunction should be granted, enjoining and restraining Speck Ed Carnoy from paying him what they justly owe. Jane respondent in answer to complainant's amended bill says that each and every allegation in said bill is untrue and he calls for strict proof of the same, he denies that the transaction between him and John Carnoy was fraudulent, and calls for proof, he denies that he did anything to deprive complainant of her rights for as to his property she had no rights, said marriage being utterly void in law a perfect nullity. And having answered as fully as Jane respondent is advised is necessary. Jane respondent prays -

That this answer be treated as a petition to reverse
the decrees entered in this cause ^{that said injunction be wholly dissolved} And that it be treated
as a cross-bill against the said complainant
and that the said Martha Hutton be made
a party defendant to the same and answer
each and every allegation of the same on oath;
That your honor hear proof and deem the
said marriage pretended to be solemnized between
between your respondent and complainant,
to be void, And your respondent prays for all
other and further & general relief as to equity
may seem meet and your respondent
will ever pray etc — M. G. Ely p. q.

This answer is excepted to because it comes too late, a decree
adjudicating the cause having been entered, and it is excepted
to as a cross bill because a cross bill is not necessary, if
defendant has a right to answer; and it is excepted to,
if defendant has a right to answer, because it sets up
no legal and sufficient defense to the bill of Complaint.

Mr 10th 1895-

Or, Blankenship & Ewing for
Plff.

Wm. J. Hutton

Answer and
Cross Bill

Martha Hutton

Filed in open court
and by leave thereof
this 11th day of
March 1895.

C. B. Muncy, Clerk

To the Honorable W. T. Miller Judge of the Circuit
Court of Lee County.

Humbly Complaining Your petitioner H.
M. Chance would respectfully represent and
shew unto your honor, that one Martha J. Hutton
by her next friend Job Migsby at first April
terms 1894 filed a bill in your honor's court
against Mrs. J. Hutton her husband, and praying
a divorce a mensa et tora, and alimony, and
also asking an injunction to enjoin and restrain
Mrs. J. Hutton from collecting any debts due him
in this county, and to enjoin and restrain
E. A. Speak and John Carnory from paying
to said Hutton any sums they might owe
him. Now your petitioner would state that
he is the owner of the \$110. note described in said
bill as owing by E. A. Speak to Mrs. J. Hutton, as
assignee of Hutton for a valuable consideration
as is shown by an endorsement on said note
dated the 25th day of March, 1893, nearly one year
before the filing of said suit, and seven months
before the said note or bond was due, said note
or bond ^{and assignment thereon} is here filed marked "a" and asked to be
considered a part of this petition, a letter filed in
said cause with John Carnory deposition tends
to prove the validity of your petitioner's claim.
Your petitioner therefore prays that the said
Martha J. Hutton be compelled to answer her
bill and make your petitioner H. M. Chance
a party defendant to the same, and that said
injunction as to E. A. Speak be dissolved, so that
your petitioner can proceed to collect his money.

and for all general relief and your petitioners
will ever pray etc —

M. G. Ely

atty for petitioner

Virginia 7th county to wit

J. D. C. Sewell a notary public in and for the county
and state of Virginia do certify that M. G. Ely atty for
appeared before me and made oath that the
matters and things stated in the foregoing petition
are true to the best of his knowledge, information and
belief, given under my hand this the 14th day
June 1894

J. D. C. Sewell

H. D.

Martha Hatten,

W. G. Ely

W. G. Ely

Filed in open Court
by leave thereof June
14th 1894

A. B. Munsey Clk

H. M. Chance

To the Hon W. T. Miller Judge of the Circuit Court
of Lee County Va.

The separate answer of John R. Carnahan to
a bill filed in this honorable Court against him
and others, by Martha Hutton wife of Wm J. Hutton
by Job Rigby as her next friend.

Respondent answering says, that he is acquainted
with the said Martha & Wm J. Hutton, In about Jan'y
or February 1893, don't remember exactly, Wm J. Hutton
proposed to sell me a tract or parcel of land in said
County, near where he ^{& his wife} then lived, containing 44 acres
and I told him I was not able to buy it. He said he
wanted to make me a deed to it and leave it in
my hands, to sell for him, & said for me to sell
it for \$150 ~~or~~ the amount stated in the deed,
and he made me a deed for it, and said he wanted
to get his wife to sign up a deed for what land
he had here, and she did join in the deed to me.
And whenever I sold the land I was to send him
the proceeds, but I don't consider that I am in-
debted to him unless I sell the land. I have
said deed in my possession unrecorded.

~~I will file this same herewith marked 103.~~
In March 1893, he wrote a letter in regard to the
matter, which I here file as part hereof marked "1".
In June 1893, he wrote me again which letter is her-
ewith filed marked "2". The deed was, as stated in it,
in consideration of \$150 ~~or~~, to be paid in one, two
and three years, but the understanding was as
above stated, that is I was not to pay for it until

or less I sold it, and I executed no notes for it, and the arrangement and deed was voluntary upon his part. In a week or two after I received the letter marked No 2, written in June 1893, which he asked me to sign, I received from him by mail a hand ^{which he asked me to sign,} binding me to pay to Hugh Chance, who lives in Kan., ^{for said land} \$100-00 at the expiration of the 3 years, or sign over the deed to said Chance & wife at that time, and I answered him I was ready to sign over the right to them at any time, but would not execute the bond, and there the matter rested. I know the fact that ~~Mr~~ J Hutton left here ^{about} in Feb 1893, and left his wife here and that she still remains here. And having answered he prays to be hence dismissed with his costs &c.

John R ^{his} Carmany.
^{mark}

Virginia, Lee County, to wit: -

This day John R Carmany personally appeared before me and made oath that the facts stated in the foregoing answer, so far as they ~~depend~~ upon his own knowledge are true, and so far as they are stated upon information derived from others he believes them to be true.

Given under my hand. May 22nd 1894.

A B Munsey Clerk.
Lee County Circuit Court.

John R. Exmaning.

ad³ Answer

Wazha J. Dutton.

Filed June terms 1894.

1 Virginia: In the Circuit Court of Lee County.

2 At Mt. Apr. Rules, 1894.

3 Martha Hutton

4 vs. J. H. Hutton et al

5 vs. J. Hutton et al

6 To W. J. Miller, Judge of said Court.

7 The answer of E. A. Speak to a
8 bill filed in this Court against respondent
9 et al by Martha Hutton.

10 For answer, respon-
11 dent says that he bought a piece of land
12 from Wm J. Hutton & wife, lying in Lee County,
13 & containing twenty five acres, and
14 that a vendors lien was retained in
15 the deed for the unpaid purchase
16 money; that he owes five hundred and
17 ten dollars for said land with
18 interest thereon from Oct. 22nd 1893.

19 Respondent also says that he owes
20 said Wm J. Hutton three dollars for
21 other matters due by account. No time was
22 fixed when interest should run, and
23 this is all that respondent owes said
24 Wm J. Hutton. Having fully answered
25 respondent asks to be heard dismissed
26 with his costs.

27 E. A. Speak

28 By
29 Wm J. Miller, Atty.

30 Sworn to before me by E. A. Speak this the 2nd
31 day of April 1894

32 A. B. Munsey, Clerk

E. A. Spack

ad. J. A. Spack

Martha Sutton

Filed April the 2^d 1894

A. B. Munsey
Clerk

Martha Hutton

Plaintiff

against
Mr J Hutton

Defendants

In Chancery.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of E. W. R. Ewing, special Commissioner, filed June 5th 1895, and the deed therewith, and was argued by Counsel. On consideration thereof, and said report, being unexcepted to, it is adjudged, ordered and decreed that said report ^{& deed} be confirmed, and that said deed be delivered to George W. Blankenship for recordation, upon his demanding the same, ^{paying said cap. \$2.50 for making same} and nothing further remaining to be done in this cause the same is ordered to be stricken from the docket.

Martha Hutton
vs. Decree Final
W. J. Hutton.

Entered in Chancery
Order Book
Page 213

Enter this decree

W. J. M.

June 16th 1895.

Martha Hutton

Plaintiff

against

Wm J Hutton et als

Defendants

In Chancery

This cause came on again to be heard upon the papers formerly read in the cause, and the report of sale by E. W. R. Ewing special Commissioner filed in the cause February 22nd 1895, and exceptions to said report, endorsed thereon, and was argued by Counsel. On consideration thereof, said exceptions to said report are overruled, and it is adjudged, ordered and decreed that said report be confirmed, and that said Commissioner pay out, to those entitled, the costs in his hands, and that he collect the unpaid purchase money as soon as the same becomes due, and pay the same to the plaintiff, or her attorney, and convey to the purchaser the said land sold by him, with proper deed with covenants of special warranty, and report his action to some future term of this Court. And the cause is continued.

Martha Sutton

Decree

Jm J Sutton et als

O. W. D.

Page 86

Enter this decree.

M. J. M.

March 14 1898.

Martha Hutton

against

William J. Hutton, John Cammery
and E. A. Speak

Plffs

In Chancery

Defts

This cause came on again to be heard, upon
the papers formerly read in the cause
and the decree rendered by the Court at
the last term, and directed to be entered,
but which, by inadvertence of the Clerk
^{may}
~~has~~ not been so entered, and was argu-
ed by counsel, and on motion of the
plaintiff by counsel it is ordered that
said decree, in the words and fig-
ures following, be entered now
for them. (Here enter decree)

Martha Hutton
vs { Decree
Wm Hutton & Co
Recorded in
O.C. Book
Page 132

Enter this decree
W.F.M.
Mar 5th 1895

Martha Hutton

vs.

)

In Chancery.

~~William J. Hutton and John Carmony and E.A. Speak.~~ *Defendants.*

3
This cause came on again to be heard upon the papers formerly read in the cause and the amended bill filed since the last term, and the process duly issued thereon, and executed on John Carmony, the defendant thereto, and the depositions of witnesses, and was argued by counsel. On consideration thereof, and the said Carmony failing to appear and plead to or answer the said amended bill, the same is taken for confessed against him, and the defendant, William J. Hutton, still failing to appear, it is adjudged, ordered and decreed that a divorce a mensa et toro be and is hereby granted, the plaintiff from the said William J. Hutton, and that the plaintiff recover of the defendant said Hutton \$150.00 alimony with legal interest thereon from this day until paid, and the costs of this suit, and that the defendant E.A. Speak, pay to plaintiff the sum of \$3.00 shown by his answer to be due from him to the said William J. Hutton, with interest thereon from the time the same became due and payable and to be credited on the costs of this suit.

And it is further adjudged, ordered and decreed that the deed from said William J. Hutton to said John Carmony dated Dec. 29, 1892, be and is hereby set aside, annulled and held for naught, and unless the said sum of one hundred and fifty dollars and interest thereon and costs of suit subject to said credit is paid to the plaintiff within thirty days from the adjournment of this court, then E.W.R. Ewing, who is hereby appointed a commissioner for the purpose, will proceed to sell at the front door of the court house of this county on some court day to the highest bidder on a credit of *Six* *1/2 months time*, the tract of land in said deed to said John Carmony mentioned or so much thereof as may be necessary to pay the balance of this decree after said credit. Said commissioner before selling will advertise the time terms and place of sale for at least thirty days by written adver-

Martha Sutton

is. } Secre inter.
Wm J. Sutton, et al.

Enter this.

W J M.

Nov. 13, 1894.

tisemnt at the front door of the c urt house of this county,^a
and at two public places in the vacinity of said land, and will
execute bond before the Clerk of this court in the sum of
\$360.00, conditioned as the law directs. And he will report his
action hereunder to this court at some future term. ~~It is~~
~~further ordered that of the said sum of \$150.00 herein de-~~
~~creed to the plaintiff shall be for the benefit of Jas. W.~~
~~Grr, attorney for the plaintiff, for his fee in the cause.~~
And this cause is continued.

Virginia: Circuit Court of Lee County in
vacation at Gladwell, Va. Sept. 14th 1894 upon
notice to dissolve injunction in
the case of
Martha J. Hutton
vs
Wm. J. Hutton et al } In Chy

The Court doth adjudge, order
and decree that the said injunction
in the above styled cause be dissolved
that is to say as to the note for \$110. , dated Oct. 22
day of 1892 due Oct 22. 1893,
executed by E.A. Speak to Wm. J. Hutton
and assigned by said Hutton to
H. M. Chance on the 25th day of
March, 1893. And the said H. M.
Chance may withdraw said note
from this case, and the cause
is continued
To the Clerk of the Circuit
Court of Lee County, Va.

Saml. Williams
Judge of said Court

Martha J. Hutton

vs } Vacation Deem

Wm J. Hutton et al

Entered on Chy ord Book
4 Page 55

Deputy Clerk of the Court
of the County of ...

Martha Button

Plff

against

Wm J Button et als

Defts

In Chancery.

This cause came on to be heard upon the bill of the plaintiff, the order of publication duly made posted and published against the defendant Wm J. Button, who has failed to appear and against whom the bill is taken for confessed, and upon the separate answers of E. A. Speak & John Carmany & exhibits therewith, and the depositions of witnesses and was argued by Counsel. And an motion of R. M. Chance leave is granted him to file his petition in the cause, which is accordingly filed and the plaintiff appeared thereto, and suggests that the petitioner is a non-resident of this State and that security for costs is required of him.

And an motion of the plaintiff leave is granted her to file an amended bill at rules and mature the same for hearing. And the cause is continued. & the cause removed to rules to be thereat mentioned as to John Carmany

Marcha Hutton

vs Decree

Wm J Hutton et al

Entered on Chancery
Book No 4 Page 50

Enter this decree.

W J H

June 16th 1894.

The depositions of Jobe Rigby & John W. Woodward.

before A. B. Munsey a commissioner in ch. for Lu. Co., Va.
taken at the office of James W. Orr, in
Joussville, Va., on the 21st day of May
1894, pursuant to Order of Publication
on file in the cause of Martha Hut-
ton vs Wm. J. Hutton, which depositions
are intended to be read as evidence
in the said Chancery cause of Martha
Hutton against Wm. J. Hutton now pend-
ing in the Circuit Court of Lu. County
Va. and the same are intended to
be read as evidence on behalf
of the Complainant, Martha Hutton.

Jobe Rigby a witness of lawful age
being duly sworn deposes and
says:

Witness says he is 55 years old; that he is
a farmer; that he has lived in Lu. County, Va.
21 years; that he has been well acquainted with
the Complainant, having known her well
for three years; that she has been a weakly
woman since he first knew her & that
she is now physically helpless - only
being able to sit up a little bit at a time.
Witness says that Complainant is financially
distressed & that she is now living on the
charity of her neighbors and that she is
fifty-eight years old - and that she was

Married to Wm J. Hutton about two years ago; that said Hutton abandoned his said wife on the 14th of February, 1893; that he went west and has never returned to his wife; that the Complainant is a well disposed, nice, virtuous and agreeable woman, & witness knows of no good reason why Wm J. Hutton should have abandoned her.

Witness says that said Wm J. Hutton sold all the land he had and all the personal property he had & got what money he could before he left the Country & left no money with his wife & only left his wife about \$3⁰⁰ worth of provision. J. L. Rigby

John W. Woodman another witness of lawful age being first duly sworn deposes and says: Witness says he has been acquainted with Wm J. Hutton about fifteen years; about the spring or summer 1892 he told witness that he was going to marry the plaintiff and afterwards he told witness that he had married her & that he was well pleased with her. In the

latter part of the summer or early in
the fall Mr. Hutton said to witness
that he wanted him to write a letter
to his son-in-law in Kansas
that some one had written his
son-in-law that he had mar-
ried a widow who had a family
of children, and that his son-in-
law had proposed to take care
of him, but that he had wrote a
letter that he ~~did~~ not propose to
take care of Lee County. & said
that he wanted witness to write to
his son-in-law that he was
coming alone & that he would
not so much as bring his wife
& witness wrote such a letter as
he dictated it. Mr. Hutton then
left the country in the next winter
or spring & has not returned that
I have heard of. Mr. Hutton
before leaving told witness that
he had disposed of his property
so far as he could.

And further this deponent saith not

John W. Woodward
Virginia Lee County to wit:

B. A. B. Mursey a Comr in Chancery
for the Circuit ^{Court} of Lee County Virginia

do certify that the foregoing Depositions
of Job Riggsby and John W. Woodward
were duly taken, Subscribed and Sworn
to before me at the time and place
and for the purposes in Caption mention-
ed, Given under my hand this the
22nd day of May 1894

A. B. Munsey Court
in Chancery

Martha Sutton
of Depositions

Wm. J. Sutton

Filed May the 22nd
1894 A. B. Munsey
Clerk

J. W. Woodward 50
Job. Riggsby 1.14
Comos fee 75-

The depositions of John Cannony and others
taken before me C. C. Blankenship a Justice
of the Peace for the County of Lee and State of Va.,
pursuant to notice hereto annexed, at Mr. Ely's law
office near Bush Spring Va. on the 26th day of July
1894 between the hours of 9 a.m. & 4 p.m., to be read
as evidence in behalf of H. M. Chance petitioner
in a certain suit in equity depending in the Circuit
Court of Lee County wherein Martha J. Hutton is
plaintiff, Wm. J. Hutton et als are defendants and
H. M. Chance is petitioner.

Present: M. G. Ely atty for Petitioner

" James W. Carr, ... Plaintiff.

John Cannony a witness of lawful age
being duly sworn deposes and saith:

Ques 1 Please state your age, occupation and connection
with this suit?

Ans. I am 37 years of age in January 1895-
Farmer. I am one of the defend-
ants in this suit.

Ques 2 Please state whether or not (if you know) H. M.
Chance is the owner of the note filed by
him in this case, executed by E. A. Speaks to
Wm. J. Hutton. Tell how you ^{know} the fact and if
you have any letters ^{or other papers from Hutton and Chance} in your possession
please file the same with your deposition.

Ans. This question is excepted to and any answer thereto so far as it calls
for any information received from the said Hutton or Chance
by letter or ^{other papers or} otherwise, because the same is not the best

evidence and is self serving.

James W Orr. for Plff.
Martha J Hutton.

Ans I do not know anything about the matter except as I have stated in my answer filed in the cause, and what is shown by the letters therein referred to, and by the letters and affidavit which I file herewith as part of my deposition marked 1. 2. & 3.

Ex This answer is excepted to for the reasons above stated in the exceptions to the question, and because the letters and affidavits filed by the witness are not evidence and are inadmissible. The affidavit is ex parte and if admissible, is not sufficiently definite to show anything, and is no more than a self serving statement by the parties ~~Mr~~ J Hutton & W. M. Chance.

James W Orr. for Plff.

+ Examined

Ques Is it not a fact, and have you not information to that effect, that Mr J Hutton before leaving here endeavored to dispose of his lands, and get his wife to join in the deeds, for the purpose of putting it beyond her reach and to prevent her receiving anything from it?

ans. I know nothing more than what I have stated in my answer, in this suit, which I here reiterate and make part of my deposition. And further this deponent saith not.

^{his}
John ~~Carson~~ ^{Carson}
^{sworn}

Peter H. Chance another witness of lawful age being introduced by the petitioner and duly sworn deponent and oath;

Ques. 1st Please state your age and occupation and relation to H. M. Chance.

ans. I am 52 years old. A farmer, and brother of H. M. Chance.

Ques. 2 Please state all you know in regard to the matter here in controversy, especially what pertains to the present owner of the \$110. note.

In March or April 1893. I wrote to Hugh M. Chance, to buy the note that William J. Kutton held against E. A. Speak, for 110. Dollars and I offered 85. Dollars for it. H. M. Chance, wrote back to me at once and said that he had bought the note that ~~William~~ J. Kutton held against E. A. Speak,

A short time before I wrote this to H. M. Chance, E. A. Speak wanted to borrow 100. Dollars from me, to send to William J. Kutton and said he owed Kutton 110 Dollars on land. I said to him that I would write to H. M. Chance, buy the note against him he said all right that would suit him for he knewed that I would wait on him for ^{the} money, - In January or February 1894

W. M. Chance sent me the note against
E. A. Speak, and wrote me to see
Speak, that he wanted as much 40.
Dollars, and he would wait on him
awhile for the remainder,

I went to Speak with the note but he
failed to pay it; or any part of it;
and placed it in the hands of an attorney
for collection,

Speak remarked to me when I called
on him for 40. Dollars. that if I had
of come a few days sooner he could
have paid me as much \$47.50 cts

But he had been noticed by the
^{he had been served with process -}
Sheriff not to pay in this suit.

W. M. Chance wrote me that he
had bought the note and had
sold Hutton a span of Horses,

I have got the letter misplaced
that W. M. Chance wrote me in the
Spring of 1893. Therefore it is
impossible to file the letter with
my deposition.

The foregoing answer is objected to so far as it
states matters learned by witness from W. M. Chance
the same being hearsay & self-serving. J. W. Orr, for Martha
J. Hutton.

+ Examined

Ques¹- Do you not know the fact that Wm J Hutton at the time he left here intended and endeavored to put his lands and property beyond the reach of his wife.

Ans. I do not.

Ques Have you not information from Wm J Hutton or H. M. Chance or both of them that the assignment of the note by said Hutton to said Chance was for that purpose?

Ans. No sir. No information as to that - neither
wholtime.

And further this deponent saith not

Peter F. Chance

Virginia Lee County to wit

J. C. C. Blankenship a Justice of the peace in and for the County aforesaid do certify that the foregoing deposition of Peter F. Chance and John Cannon were taken, subscribed and sworn to, before me at the time and place and for the purposes in the caption mentioned. Given under my hand this the 26th day of July 1894.

J. C. C. Blankenship

J. C.

Martha Hutton.

vs { Depositions of
H. M. Chance

per J. Hutton

Received from L. L.
Blanchardship of in
good condition and
filed July 28th 1894
J. V. J. Richmond
DC

Costs.

Witnesses

Justice - -

50 cts.

\$1.50

May the 5 1094

John Corman, sir you
will please go to Peter
Chance & get my note
of 1110 against 12 years
speech also go & present
same to said speech and
read him this letter to
him & tell him to settle
the amount with you &
if he does not come to
some settlement put same
in your attorney's hand
to collect. John please say
to me who the attorney
is on our side of the case
let me hear from you soon
as you can & you shall be
payed for your trouble
H M. Chance to
John Corman

Chardon Kansas
May 3 1894
Instructions to the Lawyer

if this woman will not
corroborate this affidavit
give her a Physical
examination

John Cormany
take these papers at once
to the lawyer and if I
win, state to him if he
can procure me a divorce
will make it wright to
a reasonable amount
am coming back as soon as
I can get matters arranged

1
Subscribed & sworn to
before a Notary Public in and
for the county of Rawlins and
State of Kansas this 5th day of
May 1894

Geo. P. Winter Not. P.
Term Expires Nov 7th 1896

Hardy Kansas

May 3 1894.

Know all men by these
present that I by written
contract with Hugh M.
Chance

did on about the first day
of April 1893. (the note
will give exact date) purchase
of said Hugh M Chance
A span of Mares for which
I signed over a note of \$110.⁰⁰
given by Jake Spak to me
and a parcel of land I purchased
of Andrew Calhoun laying
on the waters of Hardy creek
Lee County Virginia Val \$100.⁰⁰
W. J. Hutton
J. H. Hutton

We the undersigned here by
certify that the above contract
was made on the date as stated
above

H M Ramsey
Hugh M Chance

(3)

Chardon Kans July 20/94

Mr John Cornseng

Dear Sir

I received your letter a few day ago was glad to hear from you and I was sorry to hear the thing was going the way it was, that I want you that I had wrote to you concerning those witnesses I also wrote to Pete Chance. I want you to see Pete, I want you to see Pete Chance and let him know the evidence. that Zeke Spunk had warning I had made arrangements to trad the note to buy a team of Hugh Chance before I left there. and also

that Chance and Hutton
him through ^{Chick} ~~Jack~~ Specks
that Chance had traded for
the not and Chance had
authorised Chick Specks to
collect it also summon
Chick Speck to prove the same

Do not write me again after
you get this untill you hear
from me again, as I shall
start in a few days to go
300 or 400 miles South east of
here. I planted 15 acres of corn
this spring ~~did~~ not come up
planted again it died in
the furrow, no grain of any
kind in our neighborhood

If Pete has not fur. a lawyer
to attend to that case do so
at once, I want one of you
to go and see the judge and
talk to him. tell him not

to have the case tried
untill I get there I will be
there by the first of September
If I can possibly get there if
~~I am alive~~ fail to be there by
the first of Sept will be there
by the next term of court if
alive in the Spring

now let me know when the
next term comes if I fail
to get there. I made three bu
corn last year is all the grain
I make in two years

W. J. Hutton

H. M. Chance



John Corman

Boons Path

Va

Lee Co

(2)

To the Hon.W.T.Miller,Judge of the Circuit court of Lee Co.Va.:

Your undersigned special commissioner in the case of Martha Hutton vs.William J.Hutton,begs to report that pursuant to the decree rendered in this cause at the March term,1895,of this Honorable court,your commissioner proceed to pay out the costs to those to whom the same was due:and the purchaser being willing,your commissioner collected the unpaid purchase money amounting in full to the sum of \$13.54,and pursuant to said last decree paid this sum to Jas.W.Orr the attorney of record for the said Martha J.Hutton. In accordance to the said decree your commissioner has made and herewith files a deed to G.W.Blankenship the purchaser of the land in the bill mentioned. Your commissioner therefore recommends that this deed be confirmed and delivered to the said Blankenship on his payment to the said commissioner of the sum of \$2.50 for the execution of the same."

All of which is respectfully submitted.

E. W. R. Ewing
Special Commissioner.

7 77
Martha J. Hutton

vs. } Court's 2nd R.

William Hutton

Filed June the 5th 1898
A B Munsey Clerk

This Deed made This 29th day of Dec 1882
by and between Wm J. Hutton and Martha ^{Hutton} ~~Hutton~~ his
of the first Part and John Conemy of the 2nd
Part all of Lee County Va witnesses that
The said Hutton ^{Martha Hutton} & wife has This Day sold and
do by these Presents bargain & Sell Deliver and
convey for and in consideration of
The sum of one hundred and fifty ^{Dollar to be paid in one two and three} to us in hand Paid and
years
Secured to be Paid a certain Piece or
Parcel of Land lying in said County and
lying ~~at~~ The Mouth of Handers Creek Branch Beginning
and stake at the Mouth of said Branch Thence
with Hardies Creek Road up the same to a
Burck Lee Cornu to Widdow Morelocks Land Thence
crossing said Creek with Morelocks line to a
stake 6 feet from Water mark, Thence down said
Creek 6 feet from meanderings of same to a
large Rock in said Creek Thence down to the
Edge of Water on east side of said Creek
to Deeps Cornu Thence with Deeps Line up a
spur Eastward to T Hornshells corner on said
Deeps Line Thence with said Hornshells
Line to an Ash Cornu on said Line
Thence with said line to ~~The~~ Large
Water Oak Thence Westward to the
Beginning Containing by Estimation 40 acrs
be the same more or less and we the
said Wm J. Hutton and ~~Martha Hutton~~ ^{Martha Hutton} his wife

to the Covenant That They will warrant and
defend the same with all its improvements
oppositumances &c unto the said-

John Commaney and his heirs for
ever given under our hand
this Day and date above written

it is here by understood that James Hutter has
a lease which is to observed in said bail for
Three years. the vendor lease is here by obtained
on said Land untill the purchase money is paid

W. J. ^{his} Hutter
Marthy ^{neighbor} Hutter
mark

Beas
Beas

Virginia Lee County to Wit J. C. Blankenship a
justice of the peace for the County aforesaid in the State of
Virginia do certify that W. J. Hutter and Marthy Hutter
Whose names are signed to the Whiting above bearing date
on the 29 day of Dec 1892 have acknowledged the same

before me in my County aforesaid given
under my hand this 29 day of December 1892

J. C. Blankenship J. P.

(C)

This Deed made This 1st day of Dec 1892. Between ^{Mary Hutter} Wm J. Hutter and his
Wife and E. A. Speak all of the County of Lee & State of Virginia witnesses
That for and in consideration of One Hundred and Sixty Dollars to us in hand
Paid and secured by note to be paid by the said Hutter & Wife have this
day sold and to by these presents ~~grant~~ ^{convey} Bargain & Sell a Certain
Pice or Parcel of Land lying and being in said County and on
the Waters of Hardies Creek to contain 25 acres to the same more
or less Bounded as follows Beginning at a stake in the middle
of Hardies Creek Road below grobiers mill on John Owens
line Thence westward with said Road up opposite Rachel
Speaks Residence to a stake in said Road Thence South to
a gum and Dogwood corner to John Speaks Land Thence
with said land or line to a stake at Hardies Creek Thence ^{with}
meanderings of said Hardies Creek on west Bank of
same to the Beginning to same and to Hold and the
said Wm J. Hutter & Wife doth Covenant that they
will warrant and defend the same with all its
improvements appurtenances &c. unto the said
E. A. Speak and his heirs for ever given under
our hands this day and date above written

W. J. Hutter

Mary Hutter

(Seal)

(Seal)

The vendor here is held for the land here in bond
untill the purchase money is paid

Virginia Lee County to wit
J. C. Blankenship a Justice of the Peace for the
County aforesaid in the State of Virginia do certify that
W. J. Hutter and Marthy Hutter whose names are
signed to the Writing above bearing date on the 1 day
of Dec 1892 have acknowledged the same before me
in my County aforesaid given under my hand.
This 29 day of December 1892

C. C. Blankenship J. P.

Deed

Deed
from
J. A. Speak
to
J. A. Speak

Virginia.

Lee County Circuit Court. August 11th 1894.

Martha Hutton

Plaintiff

against

Wm J Hutton et als. Defendant

In Chancery.

The object of this suit is to obtain a divorce annulsa
et thora, and for alimony, and to subject the estate
of the defendant, Wm J Hutton, to the payment of such
alimony as the Court may decree to her, ^{+ the costs of this suit} and especially
the tract of about 44 acres of land attempted to be
conveyed by said defendant to John Carmany in the
bill mentioned.

James W Orr, Plffs Counsel.

Virginia Lee County to wit.

In the office of the clerk of the said County
the 11th day of August 1894 This Leis Pen dexts
Was presented. And admitted to Record.
Test: S. V. F. Richmond Clerk

Martha Hutton
vs { Lis Pendens,
Wm J Hutton et als.

Recorded in Deed
Book No 30 P 334

S. T. F. Richmond
Clerk

Examined

Know all Men by these Presents, That we E. W. R. Ewing, George
W. Blankenship and James W. Orr

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Three
Hundred dollars, to payment whereof, well and truly to be made to
 the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
 executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the
 benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to
 discharge any liability arising under this bond, or by virtue of said office or trust, in any cur-
 rency, funds, counter claims or offsets other than legal-tender currency of the United States.

Sealed with our seals, and dated this 17th day of December
 one thousand eight hundred and Ninety four

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. W. R.
Ewing
 shall faithfully perform the duties of his office or trust, as Commissioner

under a decree of the Circuit Court of the County of Lee, pronounced on the 14th day
 of November, 1894, in the suit therein depending under the name and style
 of Martha Hutton against William J. Hutton

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
 presence of

E. W. R. Ewing [SEAL.]

George W. Blankenship [SEAL.]

James W. Orr [SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day George W. Blankenship and James W. Orr
 sureties on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
 of the County of Lee, that Their estates after the payment of all Their just
 debts, and those for which They are bound as security for others, and expect to
 have to pay are worth the sum of Three hundred
dollars.

Given under my hand this 17th day of December 1894.

Teste:

A. B. Munsey Clerk

A Copy

Teste A. B. Munsey Clerk

Martha Hutton

to { COMMISSIONER
BOND.

Commonwealth.
William J. Hutton

The 40 A. of Huttons to be sold came
to him in suit from ^{his} the Andrew Cal-
liham 2 shares in his father Ezekiel's
Estate, See partition & suit in
which it was sold, Includes a mill
site, on Hardy's creek below Grabeels
mill. Hunt up all this.

Or.

Sutton Memo.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Wm J Hutton, E. A. Speak & John
Germany*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *April*, 1894, to answer a bill in Chancery, exhibited against *them* in our said court by *Martha Hutton who sues by Job Rigby her next friend*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *9th* day of *March* 1894, and in the *118th* year of the Commonwealth.

A. B. Munsey Clerk.

Virginia, Lee County, to wit.
This day, 7th of Feb. 1894, I, the undersigned,
Mr. R. H. Speck, a notary public, a notary
and State approved and made oath, that on the 10th day of
March 1894, he delivered to C. A. Speck & John Cornsack, each
an attested office copy of the within writ and order of
exclusion, endorsed thereon, given under my hand this
10th day of March 1894.

personally appeared before
public, in and for the County
that on the 10th day of
C. A. Speck & John Cornsack, each
writ and order of
given under my hand this

William, H. Speck N.C.

Martha Hutton for &c

US. } SUBPENA
IN CHANCERY.

W. J. Hutton

J. H. Orr

p. q.

To 1st April

1894
Rules,

Circuit Court.

See affidavit on other
side for return

Rec'd - A. B. Munnick

No exigency & inhibit the defendant from & Hutton from
collecting, and the defendants B. H. Speck & John Cornsack
from paying over to him, or to his order, the sum of
money, or any part thereof, coming from them, or to
said Hutton, and in the bill submitted, until the
further order of the Court. Said writ with accurate having
been given as required by the order of the Court granting
said injunction.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

John Harmony

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *September*, 189*4*, to answer ^{*an amended*} bill in Chancery,

exhibited against *him* in our said court by *Martha J. Hutton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

22nd day of *August*

189*4*, and in the 11 *9th* year of the

Commonwealth.

A. B. Munsey Clerk.

Martha J. Hutton

vs.

{ SUPENA
IN CHANCERY.

John Harmony

J. M. Orr

p. q.

To 2nd September Rules,
Circuit Court.

Executed by
delivering a true
copy of the within
summons to John
Harmony this
Sept 13 - 1894.

J. M. Weston L.S. for
C. E. Flanary
S. G. C.

VIRGINIA - - -

To *H. C. Bonh*

I Hereby Command You to

to appear at the *Office*

the *28* day of

then be there to try this Wa

plea for money not exceeding

and then and there make re

Heamblen & Co

AGAINST

Robert E. Shoo

JUDGMENT that the Plain

January 18*81*, till paid

VIRGINIA, Lee County,

I Command you, in the name

Shuffelbarger in y

from the *22^o* day of

recovered before *26th*

was adjudged to the said

Given under my hand, this

1883 June 23rd, Cr by amt of Judgt on garnishee
against Martin Sims.

\$25.10

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

John Carmony

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said
Court on the *3rd* Monday in *August*, 189*4* to answer ^{*an amended*} a bill in Chancery,
exhibited against *him & others* in our said court by *Martha J. Sutton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

13th day of *August* 189*4*, and in the *119th* year of the
Commonwealth.

A Copy Teste

A B Munsey Clerk.

A B Munsey Clerk

vs. { SUPCENA
IN CHANCERY.

p. q.

To Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

John Harmony

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *August*, 189*4*, to answer ^{*an amended*} bill in Chancery,

exhibited against *him & others* in our said court by *Martha J. Hutton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

13th day of *August* 189*4*, and in the 119^{*th*} year of the

Commonwealth.

A B Munsey Clerk.

Martha J. Hutton

vs.

{ SUPRENA
IN CHANCERY.

John Carmony et als

J. W. Orr

p. q.

To 2nd August Rules,
Circuit Court.

An alias has
been issued.

In the Clerk's Office of the Circuit Court of the County of
Lee

against *Martha Hutton* Plaintiff, *In Chancery*

Wm. J. Hutton et al Defendant

This day *James W. Orr* personally appeared
before me, *A. B. Munsey* Clerk of the said Court,
and being duly sworn, made oath that *to the best of his information and*
belief Wm. J. Hutton
defendant in the said suit *is* not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

10th day of *April*

18 *94*

A. B. Munsey Clerk

Martha Hutton

vs.

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Wm J Hutton et al

James W Orr p. q.

Filed April the 10th 1894
ATB Munsey clk